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1 me, you know, just based on my normal management  
2 style, it would have been a, you know, process that  
3 I went through.

4 Q. So several months would have included some  
5 time in 2000?

6 A. Of evaluating these people on this order,  
7 correct.

8 MR. ROACH: Off the record.  
9 (Discussion off the record)

10 Q. Did you keep a separate folder for each  
11 individual you were evaluating for transfer in or  
12 out or did you keep it all in a pending file?

13 A. It was all when they submitted their  
14 application or -- it was all one big file.

15 Q. In the pending file?

16 A. Correct.

17 Q. Can you tell me the criteria that you used  
18 to evaluate Long for transfer in; is that the same  
19 criteria that you used whenever you were evaluating  
20 whether to recommend somebody be transferred into  
21 the unit?

22 A. It was. And then one of the other things  
23 that we would look for is people -- applicants, if  
24 you will, from different parts of the city; by that

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1 I mean districts. So that they would bring with  
2 them a basis of knowledge of what's going on in that  
3 particular district.

4 Q. Did you have anybody in District 3 that  
5 had come from District 3 at the time Long was  
6 transferred in?

7 A. Say that once again?

8 Q. Was there anybody that was serving in the  
9 Youth Violence Strike Force that had been in  
10 District 3 at the time that Long was transferred in?

11 A. They could have been. I don't recall.

12 Q. And determining whether Francis McLaughlin  
13 should be transferred in can you tell me -- and that  
14 is on Exhibit 8 -- did you use the same process for  
15 him?

16 A. It would have been the same process.

17 Q. I note that he's from District 3 as well?

18 A. He is.

19 Q. Did you have a lack of officers who had  
20 experience in District 3 in 2001 - 2002 that would  
21 affect them strongly in your decision to transfer  
22 Long and McLaughlin into the Youth Violence Strike  
23 Force?

24 MS. TIERNEY: Objection.

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1 A. I honestly don't recall. I would always  
2 look for officers from 2, 3, 11. The areas that we  
3 spent most of our time. I don't recall  
4 specifically.

5 Q. Do you recall where Horne and Brown came  
6 from before they were transferred in?

7 A. I believe it was District 2. I wasn't  
8 there at the time so I really don't know.

9 Q. Okay. Well, Exhibit 4, Bulman 4, has Ron  
10 Borwn from C-11 and Steve Horne from area B-3?

11 A. As I mentioned I was not there so I really  
12 don't know.

13 Q. Is that area B-3 is that District 3?

14 A. It's referred to as District 3, correct.

15 Q. And C-11 is District 11, right?

16 A. Correct.

17 Q. Have you now told me everything you can  
18 recall about what you did when you made a decision  
19 to transfer Gregory Long into the Youth Violence  
20 Strike Force?

21 A. I believe so, yeah.

22 Q. You said you had an interview with him;  
23 were you the only one there at the interview?

24 A. Some of the interviews the deputy would be

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1 there, others I would be -- I would do it myself.

2 Q. Is that Deputy Dowd?

3 A. I forget which deputy was there during  
4 this.

5 Q. It could have been Deputy Dowd or it might  
6 have been --

7 A. Or it could have been just myself. I  
8 don't honestly recall.

9 Q. Do you remember the interview?

10 A. Vaguely, yeah. I mean, I interviewed --  
11 each time we put out the word that we were looking  
12 for people I would get 50 applications. So I don't  
13 remember the interviews that specific, no.

14 Q. Can you remember anything about the  
15 interview?

16 A. I remember he presented himself well. I  
17 was impressed with his responses. I don't remember  
18 the specifics of it, no. I remember he told me, you  
19 know, the law school issue.

20 Q. Yes, what did he tell you about that?

21 A. I just remember him bringing it up in the  
22 interview. I don't remember the specifics of it.

23 Q. Do you remember -- you said he presented  
24 himself well; what do you mean by that?

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1 A. Very convincing; that he had a real desire  
2 to come to the gang unit. As I said I also do a  
3 background check, if you will, of all the  
4 individuals but...

5 Q. And you've described that already, right?

6 A. Yeah. So he presented himself well. He  
7 seemed generally enthused about -- you know, his  
8 demeanor; everything appealed to me.

9 Q. Did you tell him he was going to earn less  
10 money perhaps in overtime?

11 A. I tell everybody that.

12 Q. He didn't have a problem with that?

13 A. No.

14 Q. That's correct, he didn't have a problem  
15 with --

16 A. I told him and obviously apparently he  
17 didn't have a problem with it.

18 Q. What other responses do you remember him  
19 saying other than he was going to law school that  
20 impressed you?

21 A. I honestly -- as I said I interviewed 50  
22 people. I honestly don't remember.

23 Q. You don't remember anything else other  
24 than what you've told me?

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1 A. Not specifically, no.

2 Q. Do you remember meeting with Brown and  
3 Horne before you transferred them out and telling  
4 them why they were being transferred out?

5 A. I don't remember the specific meetings but  
6 we have had conversations, yes.

7 Q. What do you mean you had conversations?

8 A. I don't remember a specific meeting. You  
9 asked me if I remember a meeting, I'm saying I don't  
10 remember a specific meeting. I do recall that we  
11 had some discussions about it, yes.

12 Q. Okay, discussions about transferring them  
13 out?

14 A. Correct.

15 Q. When you made the decision to transfer  
16 them out, before you submitted your list and your  
17 cover letter do you remember sitting down with them  
18 individually either with a superintendent or someone  
19 else and saying to them, Officer Horne or Officer  
20 Brown, I've made the decision to recommend that you  
21 be transferred out to the Youth Violence Strike  
22 Force?

23 A. No.

24 Q. You didn't do that?

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1 A. I don't remember doing it that way, no.

2 Q. Why didn't you do that?

3 A. I don't honestly know. We're a  
4 paramilitary organization and sometimes we make  
5 decisions as managers that we make because, you  
6 know, we have our own assessment process and they're  
7 done. You know, I try to -- I don't remember  
8 specifically, no, I don't.

9 Q. So your testimony is when you decided to  
10 transfer them out, you didn't sit down with them and  
11 say to them "I'm transferring you out"?

12 A. I don't remember specifically doing that,  
13 no.

14 Q. Do you ever do that with anyone that  
15 you've decided to transfer out of a unit?

16 A. I usually it's -- again, I don't remember  
17 the specifics but my -- generally I tell people  
18 prior to the order coming out that they're going to  
19 be transferred, yes.

20 Q. You sit down with them individually and  
21 tell them why?

22 A. As a rule I try to, yes.

23 Q. Any knowledge as to why you didn't do it  
24 with Brown and Horne as opposed to the others?

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1 A. I said, I don't remember specifically  
2 sitting down with them. My style is to tell people.  
3 I don't remember specifically that I sat down with  
4 them but that's generally what I do, yes.

5 Q. Okay, you said that is your style  
6 generally what you do. Specifically can you  
7 remember sitting down and saying to them that  
8 they're going to be transferred out of --

9 A. Again, I'm not -- I can't say specifically  
10 that -- I wouldn't describe it or remember it as you  
11 described it. I can tell you as an example -- would  
12 you like me to?

13 Q. Yeah, sure.

14 A. Mark Bucannon.

15 Q. Is that on Exhibit 5?

16 A. Page 1, correct.

17 Q. Okay, you transferred him out to C-11  
18 right?

19 A. Correct.

20 Q. Did you sit down and tell him why?

21 A. Again, I don't remember if I sat down but  
22 I told him, yes, I told him.

23 Q. You did tell him?

24 A. Uh-huh.

35 (Pages 134 to 137)

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1 Q. Is that a, "yes"?  
 2 A. I'm sorry, yes, I told him, yes.  
 3 Q. And was it something he wanted or is it  
 4 something that he didn't want?  
 5 A. Really I'm not sure. He was a community  
 6 service officer and we really had no need for a  
 7 community service officer. He came from District 11  
 8 initially and I -- I knew I could get -- we did a  
 9 lot of outreach as a unit so I looked at him as a  
 10 slot, if you will, so I could transfer him out and  
 11 get a working police officer, if you will.  
 12 Q. Okay, so looking --  
 13 A. So I said I'll make certain that you go  
 14 back to District 11 as community service officer,  
 15 which he did.  
 16 Q. So he was okay with the move then?  
 17 A. Correct.  
 18 Q. So actually that was probably good news  
 19 for him, right?  
 20 A. Probably. On page 2, Larry Celester.  
 21 Q. Yes?  
 22 A. Who -- excellent police officer but had a  
 23 big mouth. He was somewhat disrespectful. I warned  
 24 him several times. There was a time and place for

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1 the big mouth and if he didn't stop he would be  
 2 gone.  
 3 Q. You warned him several times?  
 4 A. Uh-huh.  
 5 Q. Was that a, "yes"?  
 6 A. I'm sorry, yes.  
 7 Q. Is he black?  
 8 A. He is.  
 9 Q. What did he have a big mouth about?  
 10 A. He would constantly joke at roll call and  
 11 I would constantly remind him that there's a time  
 12 and a place for joking; this is not the time or the  
 13 place. He persisted and I transferred him.  
 14 Q. Do people laugh when he joked, other  
 15 officers?  
 16 A. I don't remember. I didn't laugh.  
 17 Q. But was it disruptive to the unit when he  
 18 made jokes?  
 19 A. I felt it was, yes.  
 20 Q. Did he ever complain about anything racial  
 21 in terms of the operations of the unit or the  
 22 attitude or the comments of other officers within  
 23 the unit?  
 24 A. Never to me.

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1 Q. I'm not asking about you. I'm just asking  
 2 in general did you ever learn that he made any  
 3 complaints --  
 4 A. I'm not --  
 5 Q. Let me finish the question.  
 6 Did you ever learn that he ever made  
 7 any complaints of a racial nature concerning the way  
 8 the unit ran or any attitudes or operations of the  
 9 unit with respect to race?  
 10 A. I am not aware of him ever making a  
 11 comment, no. He did not make one to me, no, nor am  
 12 I aware of one.  
 13 Q. So you sat down with him and told him why  
 14 he was being transferred?  
 15 A. Again, I don't remember if I sat down but  
 16 I made it quite clear why I was transferring him.  
 17 Q. What was his response?  
 18 A. Actually, he was very good natured and I  
 19 understand -- I used to see him quite often  
 20 afterwards and he never -- he was always very  
 21 cordial, very polite. The next one that I  
 22 transferred in this order was Wil Cloran.  
 23 Q. I'm sorry, who was that?  
 24 A. Wil Cloran.

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1 Q. Oh, Cloran. He's on the list on  
 2 exhibit --  
 3 A. He's on the list, yeah.  
 4 Q. -- on page 2 of Exhibit 5. Let me ask you  
 5 a question before we get to Cloran. Was Celester  
 6 ever transferred back into the Youth Violence Strike  
 7 Force?  
 8 A. He was.  
 9 Q. Why?  
 10 A. If I may back up, Larry Celester's father  
 11 and I were classmates and that's why he got into the  
 12 unit and -- at my recommendation.  
 13 Q. But you didn't think he was qualified?  
 14 A. No, I thought he was very qualified and I  
 15 preface my remarks by saying he is an excellent  
 16 police officer. But we're a paramilitary  
 17 organization and I felt his immature joking attitude  
 18 was disruptive so I warned him and when he didn't  
 19 take my warning I transferred him. He knows that  
 20 and we have been friends since then and I understand  
 21 he is back there, yes.  
 22 Q. And did you have anything to do with him  
 23 being transferred back?  
 24 A. No.



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1 Q. And who is his father that you were  
2 friends with at the --  
3 A. Larry Celester also. He and I were in the  
4 same academy class. His father has since passed  
5 away.  
6 Q. He was a deputy superintendent?  
7 A. No, that was his brother. That was  
8 Larry's uncle, William.  
9 Q. Oh, that was William Celester?  
10 A. Right.  
11 Q. What was Larry's title originally?  
12 A. I believe he was a -- I'm not sure. A  
13 detective, I believe, when he passed away. I'm not  
14 really sure. I forget.  
15 Q. When he transferred back to the Youth  
16 Violence Strike Force, that being Larry Celester,  
17 who was the commander at the time; do you recall?  
18 A. I'm assuming it would be the present  
19 commander, a Lieutenant Kelly McCormack. I'm not  
20 sure but I'm assuming so.  
21 Q. Do you know when he was transferred back?  
22 A. No, I don't remember. I remember reading  
23 the order but I don't remember when.  
24 MR. ROACH: One moment, please.

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1 (Discussion off the record)  
2 Q. Okay, so do you have any knowledge as to  
3 why Officer Celester would be transferred back into  
4 the Youth Violence Strike Force if he had the  
5 problems that you had described?  
6 A. I have no knowledge of that, no.  
7 Q. You were going to talk about Robert  
8 Colburn, I believe, or I'm sorry, William Cloran?  
9 A. Cloran, yeah. He's a white individual.  
10 Some of the observations I --  
11 Q. Go ahead, I'm listening.  
12 A. Some of the people working with him had  
13 indicated to me that when he was out on the street  
14 he wasn't really paying attention to what was going  
15 on around him. He was on the cell phone all the  
16 time and they felt a little uncomfortable from a  
17 safety perspec -- from a safety position. So I made  
18 it a point to make some observations. I found that  
19 he, in fact, was always on his cell phone, wasn't  
20 really paying attention to his surroundings, so I  
21 made a decision to transfer him.  
22 Q. Okay, anyone else on the list that you can  
23 think of?  
24 A. John Foundas.

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1 Q. John who?  
2 A. I'm on page 3.  
3 Q. Yes?  
4 A. White individual, very nice fella. No  
5 problem at all but just didn't have, you know,  
6 stat -- he was a very small individual, weighed  
7 about 90 pounds. It just wasn't the right fit for  
8 him, I felt, as the commander.  
9 Q. Going back to William Cloran for a minute,  
10 who told you that he was on his cell phone a lot and  
11 wasn't paying attention?  
12 A. I don't remember specifically but the  
13 different people that he was working with felt that  
14 they -- patrol officers, his fellow -- his peers, if  
15 you will.  
16 Q. Would they come to you or would they go  
17 through Davin and Bulman?  
18 A. They actually came to me reluctantly but  
19 they were concerned about his lack of attention when  
20 he was in the car.  
21 Q. Did those officers ever go to Davin or  
22 Bulman and complain to them and then Davin and  
23 Bulman pass the information on to you?  
24 A. They may have. I don't recall.

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1 Q. Any reason why they wouldn't have gone to  
2 Davin and Bulman and gone directly to you?  
3 A. They may have, I just don't recall.  
4 Q. You don't remember Davin and Bulman  
5 talking to you about Cloran?  
6 A. I honestly don't. I forget -- you know,  
7 some officers have felt more comfortable talking to  
8 me, I guess, than others. But I do recall -- it  
9 became an issue because people would indicate they  
10 would rather not ride with him. And as I pursued  
11 that I found, you know, after pushing that issue, I  
12 found out that they were concerned about him being  
13 on the phone all the time.  
14 Q. How did you pursue -- and, I'm sorry, what  
15 were the words you used, you pursued it, and you  
16 what investigated it?  
17 A. I actually went out some nights looking  
18 for them. I believe he was a night officer.  
19 Q. And what did you find when you went out  
20 looking for him?  
21 A. I remember once they were passing me going  
22 the opposite direction, he was on his cell phone. I  
23 observed them another time, they were making a car  
24 stop and he was sitting in the back seat on the cell

37 (Pages 142 to 145)

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1 phone while his partners were approaching the -- at  
2 the vehicle and that's actually the incident that  
3 prompted me to transfer immediately.

4 Q. Did you have any knowledge as to who he  
5 was talking to on his cell phone?

6 A. At that particular time?

7 Q. At any time?

8 A. I don't know.

9 Q. Did he protest and say that he was doing  
10 some investigative work on the cell phone?

11 A. It wouldn't have mattered. If his  
12 partners were out at a vehicle he should have been  
13 out there with them.

14 Q. Did he complain about his partners?

15 A. He accepted the transfer like a man and  
16 never said a thing.

17 Q. Now, what about Foundas; you said you had  
18 some concerns with him?

19 A. He was a very nice -- I say, kid, but I'm  
20 dating myself -- very nice gentleman, good officer,  
21 but he was small in stature. He was not terribly  
22 aggressive and I felt a little uncomfortable with  
23 him, his physical appearance, and the type of work  
24 that we do. And he and I had some discussions and I

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1 basically said, you know, Do you really belong here?  
2 And, you know, I made a decision that, you know, it  
3 might be best for him to move on.

4 Q. As an officer in a district as opposed to  
5 the Youth Violence Strike Force where would you tend  
6 to be more physical in terms of making an arrest, in  
7 the Youth Violence Strike Force or as a patrol  
8 officer making arrests or otherwise having physical  
9 contact?

10 A. It could happen in either environmnet.

11 Q. But isn't it true that in the Youth  
12 Violence Strike Force that the role of the officers  
13 generally is more investigative than it is actually  
14 making arrests?

15 A. Negative. We made more arrests than any  
16 -- per officer we made more arrests than any  
17 district in the city.

18 Q. Okay, anyone else on the list other than  
19 Brown and Horne that you met with and discussed --

20 A. Again, I don't recall meeting but  
21 certainly I would discuss. I would never transfer  
22 anyone without telling him or her other than Steven  
23 and -- I don't recall anybody else.

24 Q. Other than Steven and Ron you were going

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1 to say?

2 A. Gary Ryan. Gary Ryan on page 6.

3 Q. Yes, page 6 of Exhibit 5, right?

4 A. Yeah. He's a white officer who worked, I  
5 believe, days. I had an opportunity to assign an  
6 officer from our unit to the U.S. Marshal's service  
7 which would -- it had some benefits: They were  
8 going to provide a take home car, they were going to  
9 provide a cell phone and some other things. I --  
10 several officers applied, asked me if they could be  
11 considered, Gary Ryan being one.

12 Q. So he wanted to be transferred out?

13 A. No, they were working in conjunction with  
14 the gang unit but they would be paired up with the  
15 U.S. Marshal and get a take home car that the  
16 Marshal service paid for.

17 Q. And this was something Gary Ryan wanted to  
18 do?

19 A. I made it known that I was going to add  
20 this component to the unit. Several individuals  
21 indicated to me that they would be interested. Gary  
22 being one.

23 Q. Okay?

24 A. I selected someone else. Gary Ryan gave

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1 me an attitude which I considered to be  
2 disrespectful and he was transferred out of the  
3 unit.

4 Q. What kind of an attitude did he give you?

5 A. We're a paramilitary organization. I was  
6 a lieutenant at the time, he was a police officer,  
7 and he just accepts the decisions that the commander  
8 makes and that's the end of it. He demanded or  
9 wanted to argue with me about how better qualified  
10 he was and I explained that may be your perception,  
11 that's not mine, and I'm making the decision, not  
12 you. And if you can't live with it you don't belong  
13 here and he was transferred.

14 Q. Did he want to stay at the Youth Violence  
15 Strike Force?

16 A. No, he informed me immediately that that  
17 was fine with him.

18 Q. So he basically asked to be transferred?

19 A. No, I told him he was being transferred.

20 Q. Okay?

21 A. He didn't argue and then he -- he went out  
22 -- to be honest with you he went out and went to a  
23 district that he picked. But he was told I was  
24 getting rid of him because of his attitude and his

38 (Pages 146 to 149)

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1 disrespect.

2 Q. He asked to go to District 7 and you  
3 accommodated?

4 A. Yeah, accommodated.

5 Q. What developed was he asked to go to Area  
6 A-1?

7 A. He did.

8 Q. And did you assign him that?

9 A. No, I would have no say on whether he  
10 ultimately went -- you know, I could make  
11 recommendations but --

12 Q. Well, I'm asking did you make the  
13 recommendation to go to Area A-1?

14 A. Correct, I did.

15 Q. What about for William Cloran did you make  
16 the recommendation that he go to Area B-2?

17 A. I don't remember making any recommendation  
18 for Bill.

19 Q. What about John Foundas, did he ask to go  
20 to Area D-14?

21 A. He didn't ask me, no.

22 Q. Did either Brown or Horne to your memory  
23 ask to go to a particular area, Ron Brown being Area  
24 B-2 and Steven Horne being Area C-6?

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1 A. Not that I recall, no.

2 Q. Now, you said you had these staff meetings  
3 at which time -- strike that.

4 Before I get to that, do you remember  
5 any meeting specifically at any time you were at the  
6 Youth Violence Strike Force that you had a  
7 one-on-one with Steve Horne or Ron Brown about their  
8 job performance?

9 A. I recall several conversations. I don't  
10 know if you classify them as meetings but...

11 Q. Okay, let's start with the first  
12 conversation. What's the first conversation you can  
13 recall you had with either one of them?

14 A. (Pause)

15 Q. And I'm talking about performance related  
16 conversation.

17 A. I'm not sure of which came first, the  
18 chicken or the egg, which one happened first. I can  
19 remember a series of conversations I had over a  
20 period of time. I don't remember which --

21 Q. Either one of --

22 A. With either one of them, correct.

23 Q. Can you tell me what the period of time  
24 was?

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1 A. Again, I can't. I can tell you the  
2 different concerns I had but I can't tell you the  
3 time frame.

4 Q. Okay, can you tell me any specifics of any  
5 of the meetings? In other words, where you met, who  
6 you met with, and what was said in any of the  
7 meetings?

8 A. Well, they would have been at the Youth  
9 Violence Strike Force.

10 Q. Okay, so the meetings that you had with  
11 them were at the Youth Violence Strike Force?

12 A. Correct.

13 Q. Were they in your office?

14 A. I don't recall if they were -- if we were  
15 in the outer office and no one was around or whether  
16 -- if it was in the inner -- I don't honestly  
17 recall.

18 Q. Do you remember how many meetings you had  
19 with either one of them; let's take them one at a  
20 time. What about Ron Brown, do you have any  
21 specific meetings that you had with Ron Brown with  
22 the Youth Violence Strike Force regarding any  
23 performance issues or concerns you had with him?

24 A. I can remember conversations, again,

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1 apples and oranges, but I can remember conversations  
2 I had with him, yes. One of the concerns that I had  
3 in the conversations were the number of off-duty  
4 arrests that they were making.

5 Q. And you said this to Ron Brown?

6 A. Correct.

7 Q. And you don't remember when that meeting  
8 took place?

9 A. I do not.

10 Q. Do you remember who else was at the  
11 meeting other than you and Mr. Brown?

12 A. I would never talk to someone with someone  
13 else there.

14 Q. What about a supervisor like Bulman or  
15 Davin?

16 A. Super -- any textbook on supervision says  
17 you compliment in front of someone, you criticize in  
18 private, so there would have been no one else there.

19 Q. Doesn't Davin or Bulman have supervisory  
20 authority over them?

21 MS. TIERNEY: Objection. You can  
22 answer.

23 A. Obviously, yes.

24 Q. So wouldn't it be important in textbook



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1 A. I know there was a report sent through by  
2 a District 2 sergeant. I don't know if it actually  
3 ever went into a formal complaint.

4 Q. Who initiated the Internal Affairs  
5 complaint?

6 A. I just said I don't know it if it resulted  
7 in a complaint. I know there were several incidents  
8 that I was not directly involved in so I don't have  
9 the specifics.

10 Q. Several incidents regarding Ron Brown and  
11 Marissa Henderson?

12 A. Correct.

13 Q. And it somehow got to Internal Affairs?

14 A. I believe. I don't know for certain.

15 Q. What are you basing that on then?

16 A. A report was -- a sergeant from District 2  
17 responded to -- she come into District 2 and spoke  
18 to a Sergeant Freeman and that's how I heard about  
19 it. So I was aware of the ongoing relationship  
20 problem which, as I say, became disruptive. I don't  
21 get involved in those. It would go to Internal  
22 Affairs which I'm not privy to.

23 Q. So Sergeant Freeman talked to you about  
24 it?

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1 A. He mentioned it to me. I didn't ask. I  
2 wasn't interested in the details.

3 Q. Why not if Marissa Henderson and Ron Brown  
4 were working both under your command wouldn't you  
5 want to know the details of what's going on between  
6 them if they're dating or whatever?

7 A. No, I would want to know if it was an  
8 issue. I would not want to know the details, it's  
9 not my business. It went up to Internal Affairs.  
10 It was up to them to decide what happened. It  
11 became disruptive between the two, you know, that  
12 became my concern and that was my involvement.

13 Q. And disruptive within the unit is what you  
14 described earlier, correct?

15 A. Correct.

16 Q. And at times is it fair to say when the  
17 relationship wasn't going good and did she come in  
18 and just more confide in you like a friend, like a  
19 man or woman would about a relationship they're  
20 having about how it's not going well?

21 A. No, I'm not her friend, I'm her boss. She  
22 came in to complain about it.

23 Q. All right, but it wasn't a sexual -- it  
24 wasn't a sexual harassment complaint, right?

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1 A. I never received a sexual harassment  
2 complaint.

3 Q. And you never considered it that, right?

4 A. Correct.

5 Q. All right, I'd like to go back to Exhibit  
6 1, please, page 5.

7 A. Uh-huh.

8 Q. And, again, the last sentence on the first  
9 paragraph?

10 A. Uh-huh.

11 Q. Starts with, Finally -- I'm going to read  
12 it again -- Finally, Lieutenant Foley had concerns  
13 about Officer Brown's judgment because he had  
14 temporary restraining orders issued against  
15 him and had informal complaints raised against him  
16 for dating and harassing a Youth Violence Strike  
17 Force clerk; did I read that correctly?

18 A. Uh-huh.

19 Q. Is that a, "yes"?

20 A. Yes, I'm sorry.

21 Q. Okay, I see the word "harassing" is in  
22 there; why is that in there?

23 A. Yes, I don't see "sexual" though.

24 Q. What kind of harassing was he doing?

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1 A. Again, as I said I don't remember the  
2 specifics. I do remember it was very disruptive on  
3 a day-to-day basis for me as a commander.

4 Q. Okay, so you didn't mean --

5 A. Again, I don't remember the specifics  
6 today.

7 Q. So when you said harassing you didn't mean  
8 sexual harassing here again; is that right?

9 MS. TIERNEY: Objection, asked and  
10 answered.

11 A. I think I said that, sir.

12 Q. But I understand you said it's disruptive,  
13 I understand your testimony earlier. I'm just  
14 trying to focus on what you meant by harassing a  
15 Youth Violence Strike Force clerk meaning Marissa  
16 Henderson; so what did you mean by that?

17 MS. TIERNEY: Objection, asked and  
18 answered.

19 MR. ROACH: No, it hasn't been  
20 answered.

21 A. Yes, it has. It's been explained in great  
22 length. She sits right outside my office and she  
23 would come in on numerous occasions when there was a  
24 problem between the two of them.

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1 Q. Yes?

2 A. She would come in late saying that

3 something had happened, she would leave early

4 because she was emotionally upset, she would be on

5 the phone allegedly talking to Ronald. I don't know

6 if she was or not. But it became disruptive and she

7 was -- at times would claim that he was -- when

8 things were not going well she would use the word

9 "harassing" her.

10 Q. Okay, so she said he was harassing her but

11 not sexually harassing her, correct?

12 A. Correct, never heard the word "sexual"

13 harassment.

14 Q. Now, it says here in this sentence: Had

15 informal complaints issued against him for dating

16 and harassing a Youth Violence Strike Force clerk;

17 do you see that?

18 A. I do.

19 Q. What is an informal complaint; what do you

20 mean by that?

21 A. It would mean her coming into my office

22 complaining about Ronald's actions.

23 Q. And the informal complaint raised against

24 him was for dating her as well as harassing her

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1 because you've got the word "dating" in here, too?

2 A. I'm sorry, which line are you on now?

3 Q. Well, we're on Exhibit 1.

4 MS. TIERNEY: What line are we on,

5 Steve, is the question.

6 Q. I'll bring you right to where we are.

7 MS. TIERNEY: What line are you on

8 was the question?

9 MR. ROACH: It's one, two, three,

10 four, five -- it's the sixth line down on page 5 on

11 Exhibit 1 in the first paragraph.

12 Q. Are we there?

13 A. I'm here.

14 Q. Do you see the word "dating"?

15 A. I sure do.

16 Q. What did you mean by "complaints against

17 Ron Brown were made for dating Marissa Henderson"?

18 MS. TIERNEY: Objection.

19 Q. You can answer.

20 A. As a result of her dating Ron Brown is

21 what was disrupting. In other words, they were

22 dating and while they were dating they were having

23 problems which became very disruptive.

24 Q. Well, but that's not really what it says

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1 here, is it?

2 MS. TIERNEY: Objection.

3 A. You asked me what it meant and I'm telling

4 you what I meant.

5 Q. Well, let me read this to you again. It

6 said, and I'm going to start in that same line, I'm

7 going to start after "and." And you're talking

8 about Ronald Brown here, right?

9 A. Uh-huh.

10 Q. And Ronald Brown had informal complaints

11 raised against him for dating and harassing a Youth

12 Violence Strike Force clerk; did I read that

13 correctly?

14 A. You did.

15 Q. So did you mean to say that when -- you

16 said informal complaints were raised against him for

17 dating the clerk, it doesn't mean that anybody

18 complained about the fact he was dating her, it was

19 other issues?

20 A. Resulting from them dating, correct.

21 Q. So you had no problem with them dating, it

22 was more the issues that she was complaining?

23 MS. TIERNEY: Objection.

24 A. It's not my business.

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1 Q. I'm just trying to understand what you

2 meant.

3 A. I think you do.

4 Q. Well, they're not my words, they're yours,

5 sir. Do you have any knowledge that Ron Brown and

6 Marissa Henderson actually didn't date until after

7 he left the Youth Violence Strike Force?

8 A. After they left?

9 Q. After he left, yes?

10 A. I would be surprised, yeah, as far as I

11 was under -- I was under the impression and

12 understood from her that they were dating while he

13 was there.

14 Q. Okay, I'd like to talk about the off-duty

15 arrest issue that you raised with Ron Brown, and I

16 apologize if I asked you this before. How many

17 off-duty arrests had he made?

18 MS. TIERNEY: Objection.

19 A. Did you ask me before?

20 Q. And you couldn't remember I think you

21 said.

22 A. I said several. I don't remember.

23 Q. Can you remember any specifics?

24 A. Specific numbers?



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1 A It appears to be.  
 2 Q All right. Can you think of -- strike  
 3 that.  
 4 Do you remember what you said to him  
 5 about this arrest?  
 6 A Again, my --  
 7 Q Let me ask you a different question.  
 8 Looking at 69, does that refresh  
 9 your memory in terms of the Chelsea arrest that  
 10 you spoke to Mr. Horne about?  
 11 A Somewhat.  
 12 Q Okay. Can you tell me what you remember  
 13 then?  
 14 A I remember that a Chelsea police  
 15 officer, I don't recall at this point who it was,  
 16 had mentioned to me that Steven was with his  
 17 girlfriend or a girl, and I thought that it was  
 18 inappropriate to get involved in an incident like  
 19 this with a civilian, especially a female.  
 20 Q And what did you say to Mr. Horne about  
 21 that, if anything, when you met with him?  
 22 A Just what I said to you, that...  
 23 Q Did you have any knowledge as to whether  
 24 the female was with him at the time of the arrest

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1 or whether he sent her away before he proceeded to  
 2 make the arrest?  
 3 A Again, I don't honestly recall. I don't  
 4 honestly recall. I do recall speaking with the  
 5 Chelsea Police who mentioned to me he had a female  
 6 with him, and, again, I found it inappropriate to  
 7 get involved in an incident when you have a  
 8 civilian --  
 9 Q Who was the Chelsea police officer you  
 10 spoke to?  
 11 A At this point I have absolutely no idea.  
 12 Q What did the Chelsea police officer say  
 13 to you, other than what you just told us, if you  
 14 can remember?  
 15 A I don't remember the specifics of the  
 16 conversation, and that was one of the things that  
 17 he said that, you know, concerned me.  
 18 Q Anything else he said that concerned  
 19 you?  
 20 A Not that I recall.  
 21 Q Do you remember what Mr. Horne said to  
 22 you with respect to the arrest?  
 23 A I don't remember the specifics, no.  
 24 Q Can you tell me in general?

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1 A I honestly don't remember.  
 2 Q Any other off-duty arrests by either  
 3 Steven Horne or Ronald Brown that you can recall  
 4 that you spoke to them about that you haven't told  
 5 us about today?  
 6 A I don't recall the specifics, the  
 7 specific number of arrests. My recollection is  
 8 that there were an unusual number of off-duty  
 9 arrests, which I felt uncomfortable with.  
 10 Q Other than the ones you've told us about  
 11 today, can you recall any others?  
 12 A Again, other than my recollection that  
 13 there were several off-duty arrests, which I  
 14 considered unusual, I don't remember the specifics  
 15 at this point in time.  
 16 Q Okay. Before you used the word  
 17 "several," you keep using the word "several" in  
 18 this deposition, and we talked about the Webster's  
 19 New Twentieth Century Dictionary that -- you  
 20 remember quoting from that last deposition?  
 21 A I certainly do.  
 22 MR. ROACH: All right. I'd like to  
 23 just mark the two pages from the Webster's New  
 24 Twentieth Century Dictionary that contains the

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1 word "several."  
 2 THE WITNESS: I thought we already  
 3 did all of this.  
 4 MR. ROACH: I didn't mark it.  
 5 MS. HARRIS: He's just marking the  
 6 exhibit.  
 7 MR. ROACH: I'd like to mark it as  
 8 Exhibit 70, please.  
 9 (Document marked as Exhibit No. 70.)  
 10 Q And directing your attention again to  
 11 the definition of several --  
 12 MR. ROACH: And let the record  
 13 reflect that Steven Horne has joined us.  
 14 Q When it talks about numbers, I think I  
 15 quoted from this before, one of the definitions  
 16 is, Consisting of a number more than two but not  
 17 many, of an indefinite but small number. Few, as  
 18 several persons were present when the event took  
 19 place. Did I read that correctly, sir?  
 20 (Indicating.)  
 21 (Witness perusing document.)  
 22 Q Did I read it correctly?  
 23 A You did.  
 24 Q Thank you.

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1 And is that your understanding of  
 2 what the word "several" means when you use the  
 3 word "several" in this deposition?  
 4 A I would disagree, at least with my  
 5 interpretation of several.  
 6 Q What's your interpretation of several?  
 7 A More than -- I believe what I had just  
 8 read said more than one but just a few.  
 9 Q So that's your definition of it?  
 10 A No, that's I believe what I just read,  
 11 and I would say several means more than two but  
 12 not necessarily a few.  
 13 Q How many does it mean then when you say  
 14 several?  
 15 A We had this discussion before. Several  
 16 means more than two, and I'll just leave it at  
 17 that.  
 18 Q So it could mean three?  
 19 A It could mean ten.  
 20 Q So your testimony is when you say  
 21 several you don't remember how many times you  
 22 actually spoke to Mr. Horne and Mr. Brown, right?  
 23 A At this point in time, no.  
 24 Q And I'd like to show you, again,

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1 Exhibit 1 from the deposition of Mr. --  
 2 Sergeant Bulman. Directing your attention to  
 3 page 4 --  
 4 A Um-hm.  
 5 Q -- and the second to the last sentence  
 6 reads, "Despite numerous" --  
 7 A What paragraph are you in?  
 8 Q Second to the last sentence of page 4.  
 9 A Okay.  
 10 Q Last paragraph of page 4, second to the  
 11 last sentence.  
 12 A Um-hm, okay.  
 13 Q Let's start with the first paragraph,  
 14 and I'll just paraphrase to save time. During  
 15 this process, it says, the complainants, which are  
 16 Horne and Brown, were selected to be transferred  
 17 out of the Youth Violence Strike Force, correct?  
 18 MS. HARRIS: That's what it says,  
 19 Steve.  
 20 MR. ROACH: I'm asking him.  
 21 A Correct.  
 22 Q And then you were aware of this and you  
 23 were the commander at the time, right?  
 24 A Aware of what, the first sentence?

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1 Q You were aware that they were going to  
 2 be -- they were selected to be transferred out of  
 3 the Youth Violence Strike Force?  
 4 A I was the one who made that decision,  
 5 yes.  
 6 Q And then it says here in the third  
 7 sentence that you were aware of the ongoing  
 8 concerns that they refused to share information  
 9 with other officers and their supervisors,  
 10 correct?  
 11 A Correct.  
 12 Q And it says you were aware that these  
 13 issues had been brought to Horne and Brown's  
 14 attention during your tenure as the commander and  
 15 with the previous commander, right?  
 16 A I can only speak for myself, correct.  
 17 Q But it says here, "He was aware that  
 18 these issues had been brought to complainants'  
 19 attention during his tenure as commander and with  
 20 the previous commander, right?"  
 21 A Correct.  
 22 Q And then it says, "Despite numerous  
 23 warnings that they were not open enough, neither  
 24 officer had altered their behavior." Do you see

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1 that?  
 2 A Correct.  
 3 Q What warnings were given to them?  
 4 A I think it's mentioned that several  
 5 times either I or other super -- John Davin spoke  
 6 to them.  
 7 Q So you gave them warnings?  
 8 A Correct.  
 9 Q And what's the procedure for giving  
 10 warnings in the Boston Police Department?  
 11 A There is no procedure per se.  
 12 Q Did you put anything in their file,  
 13 either the district file or their personnel file?  
 14 A I did not.  
 15 Q Why not?  
 16 A Because I chose not to.  
 17 Q Why did you decide not to?  
 18 A If I put something in their file, it  
 19 would be with them for their career. I felt the  
 20 best way to deal with it was man to man, so to  
 21 speak.  
 22 Q And is there -- under the police  
 23 department rules and procedures, you have that  
 24 discretion?

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1 A I do.  
 2 Q Okay. And was it an oral warning?  
 3 A I just said I spoke to them.  
 4 Q But you considered it an oral warning,  
 5 right?  
 6 A No. Are you talking discipline or are  
 7 you talking just a conversation? It was not a  
 8 discipline at that point, no.  
 9 Q Did it ever become a discipline?  
 10 A No, I wanted to avoid that, so we had  
 11 conversations and then I made the decision to  
 12 transfer them.  
 13 Q Okay. So when you say "warnings," that  
 14 was not something that was an official warning  
 15 under the rules and procedures of the Boston  
 16 Police Department?  
 17 A You're talking about which rule?  
 18 Q I'm talking about any rule.  
 19 A Are you talking about the discipline  
 20 rule?  
 21 Q I'm asking you if there's any rule that  
 22 covers the warning that's referenced here in  
 23 Exhibit 1 that you said -- the numerous warnings  
 24 you said that were given to Horne and Brown.

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1 A Other than in the discipline rule, I'm  
 2 not aware of it, no.  
 3 Q And is the discipline rule, Rule 109?  
 4 A Correct.  
 5 Q Was this warning or any of these  
 6 warnings given to Horne and Brown under the  
 7 disciplinary rule, Rule 109?  
 8 A No, I wanted to avoid that.  
 9 Q What about the warnings that had been  
 10 given to them by others?  
 11 A Well, you'd have to ask them, but I'm  
 12 not aware of any discipline warning that was given  
 13 these gentlemen.  
 14 Q Okay. Do you know what warnings were  
 15 given to the other -- strike that.  
 16 Do you know what warnings were given  
 17 by other supervisors to Brown and Horne; do you  
 18 know what they were specifically?  
 19 A You'd have to ask them for specifics.  
 20 I'm not aware of specifics, no.  
 21 MR. ROACH: I would just like to  
 22 mark as the next exhibit a document that was  
 23 provided by your lawyer called the "Defendant City  
 24 of Boston's Designation of Officers in Response to

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1 Plaintiffs' Notice of Taking Deposition," and  
 2 we'll stipulate that that's what it is?  
 3 MS. HARRIS: Yeah.  
 4 MR. ROACH: I'd like to mark that as  
 5 the next exhibit, please. That would be 71.  
 6 (Document marked as Exhibit No. 71.)  
 7 Q Now, in looking at Exhibit 71, you  
 8 understand that you've been designated as the  
 9 spokesperson for the city of Boston?  
 10 A I do.  
 11 MS. HARRIS: Just for clarification,  
 12 not on all of these topics.  
 13 MR. ROACH: Yeah, I understand that.  
 14 I'm just going to go through them now.  
 15 Q You understand you've been designated as  
 16 the spokesperson speaking on behalf of the city of  
 17 Boston in whole or in part for numbers 1, 3, 4, 6,  
 18 7, 8, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 26,  
 19 27, 28, and 29, correct?  
 20 A Correct.  
 21 Q Okay. And with respect to No. 6, you  
 22 were designated as a spokesperson for the reasons  
 23 Mr. Brown and Mr. Horne were transferred out of  
 24 the Youth Violence Strike Force; do you understand

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1 that?  
 2 A Correct.  
 3 Q And it's your testimony you don't know  
 4 what the other people said to them in terms of  
 5 warnings, other supervisors said to them in terms  
 6 of warnings?  
 7 A I believe you asked specific, and I am  
 8 not aware of the specific --  
 9 Q Can you tell me in general what any of  
 10 them said to either of them?  
 11 A In very general terms basically it's the  
 12 issues that we've been talking about through this  
 13 deposition, and that's a number of things:  
 14 Offduty arrests, their unwilling ness to be  
 15 cooperative in sharing information, and other  
 16 officers unwilling to work with them.  
 17 Q I believe you mentioned also some 209A  
 18 Orders and Marisa Henderson?  
 19 A 209A, Domestic Violence Complaints,  
 20 against Ron Brown, correct.  
 21 Q And complaints by Marisa Henderson in  
 22 that regard?  
 23 A There were several complaints from my  
 24 secretary, or clerk as she's referred to, against